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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,311	04/20/2004	Nobuyuki Moriyama	042348	2563
38834 7590 05/01/2007 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER SELF, SHELLEY M	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/827,311	<b>Applicant(s)</b> MORIYAMA ET AL.	
	<b>Examiner</b> Shelley Self	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on February 23, 2007 has been considered but is ineffective to overcome the prior art reference.

### ***Claim Objections***

Regarding claim 4, there is no clear antecedent basis for the recitation, "the detection direction" (line 12), Examiner suggests, --a detection direction--.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 4, line 10, states, "a support frame", however line 3 positively recites a frame. Is the "support frame" recited in line 10, the same as the frame recited in line 3? If not, how do these elements interrelate? If so, Examiner suggests, --said frame--.

Claim 6 is rejected as noted on the previous Office Action. Regarding claim 6, the claims depended directly from claim 5, which positively recites "wherein the beam reflection scanners are disposed at at least two positions near either end portion of the log", how is it the beam reflection scanner is disposed at one position near a center portion of the log as recited in claim 6 if the parent claim positively recites such scanner to be near the end portion of the log. The

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claim is unclear. Is there an additional beam reflection scanner positioned near the center in addition to those positioned near the end portion of the log? Examiner notes this rejection was made in the previous Office Action, however Applicant's response filed February 23, 2007 did not address the rejection. For a response to be complete all rejections/objections must be addressed in Applicant's response.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-7 as best as can be understood are rejected under 35 U.S.C. 102(b) as being anticipated by Mutsuura et al. (5,582,224). Mutsuura discloses an apparatus for centering a log comprising a pair of rotating axles (col. 1, lines 41-43; col. 14, lines 10-11) mounted on a frame and discloses on either end face of the log, said axles move horizontally by operation of an actuator mechanism and at least one of the axles is rotated by operation of a drive source; a rotation angle detector (56; col. 1, lines 43-46; col., 9 lines 28-30) mounted in the drive source wherein the rotation angle detector detects the angle of rotation of the rotating axles (Examiner notes Mutsuura's detection of the angle of the rotation of the log inherently detects the angle of rotation of the rotating axles); a plurality of beam reflection scanners (42, 43, L1, L2; col. 8, lines 38-43) disposed at a plurality of desired positions along the axis of the log; contact swinging detection members (59, 61) disposed in a plurality of sections along the axis of the log (fig. 15,

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19,24), each member comprising a base portion pivotally supported by a support axle positioned near the periphery of the log (58, 61A, 61) and a tip portion to which a detection element (59; fig. 16) is attached such that the detection elements are arranged along the axis of the log (fig. 15, 19, 24) without any gaps there between ; a plurality of swing angle detectors (62A) and a centering computation mechanism (col. 14, lines 26-33; col. 15, lines 1-24)

Claims 5-7 are rejected as noted in the previous Office Action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 as best as can be understood rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura (5,582,224) as noted in the previous Office Action.

### ***Response to Argument***

Applicant's remarks filed February 23, 2007 have been carefully considered but are not deemed persuasive. Applicant's remarks are drawn to the failure of prior art Matsuura to disclose or fairly suggest a log centering apparatus that includes a plurality of beam reflection scanners mounted on a support frame of said log centering apparatus and disposed at a plurality of positions along the horizontal axis of the log, wherein the detection direction of the beam reflection scanners are oriented toward the axis of the preliminary axles AND a plurality of

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contact-swinging detection members mounted on the support frame of said log centering apparatus. This argument is not found persuasive, because as noted above, Matsuura teaches beam reflection scanners (42, 43, L1, L2) that are positioned along a horizontal axis of the log and mounted to a support frame (fig. 1, 15). Further the prior art, Matsuura also teaches swinging detection members, Matsuura explicitly teaches that these detection members can be either contact or non-contact and in fact Matsuura illustrates contact swinging members (59, 61). Applicant's remarks that Matsuura teaches only the use of either contact or non-contact members and not the use of contact and beam reflection scanners is not deemed persuasive, because Matsuura's teaching of either contact or non-contact swinging detection member relates only to the swinging detection members, this either or combination does not relate to the swinging members and the reflection scanners. Therefore, because Matsuura explicitly teaches the use of reflection scanners (42, 43, L1, L2) as photoelectric type detectors (i.e. non-contact) and the use of contact swinging detection members (59, 61) the claimed invention fails to patentably distinguish over the prior art of record. Accordingly the rejection in view of Matsuura stands.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 571-272-4524. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**SHELLEY M. SELF**  
**PRIMARY EXAMINER**

April 26, 2007